



03-23-06

IFW 3752

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Williams

Application No.: 10/081,419

Filed: 2/22/2002

Title: Around-the-Pump Additive System for Industrial Scale Hazards

Attorney Docket No.: 50051

Art Unit:
3752

Examiner:
Ganey

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RESPONSE TO OFFICE COMMUNICATION MAILED 3-3-06

"Notice of Non-Compliance"

REMARKS

The Examiner deemed the Reply filed by applicant on December 9, 2005 "not fully responsive," asserting that the §112, second paragraph rejection concerning claim 5 did not appear to have been addressed.

Applicant respectfully traverses and submits, to the contrary, that the §112 second paragraph rejection concerning claim 5 was fully addressed. Please see the bottom of the first page in the Remarks section in the Response. Applicant stated there that applicant amended claim 5 to clarify "structural cooperative relationships" as the need for such clarifications was best understood from the Examiner's paragraph 7.

The corrections to claim 5 to correct for lack of antecedent basis were deemed by Applicant, in fact, to be the only corrections Applicant found proper in order to correct for any appearance of "omission of matter disclosed to be essential to the invention." Having clarified any ambiguity caused by a lack of antecedent basis, Applicant was of the opinion that all "essential structural cooperative relationships" between elements (as disclosed in the specification as essential to the invention) were adequately recited. Applicant saw no other basis for the assertion of the "omission." The Examiner had offered none.

While claim 5 is a method claim, claim 13 is an apparatus claim. In regard to the Examiner's "structured cooperative relationship" rejection of paragraph 7, claim 13 was further rephrased in the above referenced Response to utilize terminology that might appear to be more of "an apparatus type" of terminology (rather than "a process type" of terminology.) According to the above "notice," this was apparently unnecessary. However, applicant was forced to speculate as to the basis for the Examiner's rejection.

In the above referenced notice the Examiner explains further. The Examiner finds the amendments to both claims 13 and claim 5 still inadequate.

The Examiner offers this further explanation of the basis for his §112 second paragraph rejection in the above notice:

"There is still no structural cooperative relationship claim of between the line leading from the reservoir outlet to the water manifold inlet and to the suction side of the pump in either claims 5 or 13. The line leads from the reservoir outlet to the fitting, then the line leads from the fitting to the manifold and then the manifold is connected to the suction side of pump. This is not reflected in either claim 5 or 13.

In regard to this further explanation, applicant and the Examiner respectfully disagree. Claim 5 and claim 13 recite:

"locating the fitting in a line leading from the reservoir outlet to the suction side of the pump," or

"wherein the fitting is adapted to attach in a line located between the reservoir outlet and the suction side of the pump,"

respectively. As to where the Examiner asserts:


"The line leads from the reservoir outlet to the fitting, then the line leads from the fitting to the manifold, and then the manifold is connected to the suction side of the pump."

Applicant can only respectfully request to be shown where the above is disclosed in the specification to be "essential to the invention."

In Applicant's opinion, amended claims 5 and 13 omit no "essential structural cooperative relationships" between the elements.

Respectfully Submitted,

3/22/06
Date


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ENCLOSURES (Check all that apply)		
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Remarks It is believed that no further request for extension of time or fees are due. Notwithstanding, the Commissioner is authorized to charge any additional fees incurred or credit any overage to Deposit Account No.50-1753 (50051). Please regard this as a further request for extension of time to the extent one is needed. (Customer Account Number 22929)		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name			
Signature			
Printed name	Sue Z. Shaper		
Date	March 22, 2006	Reg. No.	31663

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